PIL 14/2007
BEFORE
THE HON'BLE MR. JUSTICE D. BISWAS
CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. I. Hussain, the learned counsel for the public interest litigants and Mr. J. Singh, the learned Sr. counsel for the Railway Department as well as Mr. S.C. Biswas, the learned counsel appearing on behalf of the newly impleaded respondents No.7 to 13.

By this PIL, the petitioner is praying for setting aside the eviction proceeding initiated against the shopkeepers of Hojai Main Market, Hojai initiated by the Railway Authority contending that the shopkeepers and traders are doing their business over the land in question for last more than 30 years and the Railway Authority is trying to evict them from the said land though the land does not belonging to the Railway Authority.

During the course of hearing, the learned counsel for the public interest litigants as well as the learned counsel appearing on behalf of the newly impleaded respondents No.7 to 13 have submitted that in fact, no eviction notice has been issued either by the Railway Authority or by any other authority requiring the shopkeepers/traders of Hojai Main Market to vacate the land stated to be under their possession for last more than 30 years. Since no proceeding has admittedly been initiated till date by any of the authorities, we are not inclined to grant the prayer made in the PIL, and as such, the petition is closed. However, it is made clear that the authority shall not evict the shopkeepers/traders of Hojai Main Market without following the due procedure of law.

It is also open for the aggrieved parties to approach the appropriate forum in the event of passing any order for eviction, either by Railway Authority or any other competent authority.